

Naples City Council

December 10, 2009

Minutes

The regularly scheduled meeting of the Naples City Council was held December 10, 2009, at 7:30 p.m. at the Naples City Office, 1420 East 2850 South, Naples, Uintah County, Utah.

DATE, TIME & PLACE OF MEETING

Council members attending were Dean Baker, Robert Hall, Gordon Kitchen, Dennis Long, Dan Olsen and Kenneth Reynolds.

COUNCIL MEMBERS ATTENDING

Others attending were Elouise Turner, David Turner, Neil Cathey, Jim Harper, Chris Hoem, Chantile Ferriera, Tyson, Ferriera, Tyler Rasmussen, Robert Foley, Jon Bingham, Manny Escoto, Craig Blunt, and Nikki Kay.

OTHERS ATTENDING

Mayor Dean Baker welcomed everyone and called the meeting to order at 7:30 p.m. Mayor Baker opened the meeting with the pledge of allegiance and Kenneth Reynolds offered the invocation.

OPENING CEREMONY

Nikki Kay requested the Ordinance numbers on the agenda be changed and wanted to add a travel request. Dan Olsen **moved** to approve the agenda with those changes. Dennis Long **seconded** the motion. The motion passed with all voting aye.

AGENDA APPROVED

Mayor Baker asked for approval of the minutes of November 19, 2009. Kenneth Reynolds **moved** to approve the minutes of November 19, 2009 as presented. Robert Hall **seconded** the motion. The motion passed with all voting aye. The motion passed with all voting aye.

MINUTES APPROVED

Council members wanted to recognize the Naples park maintenance supervisor and his crew for the excellent work they have been doing at the park. Councilman Kitchen introduced Neil Cathey, park supervisor, and members of his staff, Tyson Ferriera and Carlos Urias. Councilman Kitchen thanked them for keeping the park in such good condition. He wanted them to know, in order to express their appreciation, the Council has ordered jackets for each of them. Councilman Kitchen said the jackets were not ready but they would get those to them as soon as they were. Mr.

RECOGNITION OF NAPLES PARK MAINTENANCE SUPERVISOR AND WORKERS

Cathey told the Council their focus has been the installation of the play equipment and now that it is complete they will be working on keeping the snow plowed on the walk path. Mayor Baker and Council members thanked each one for coming and the efforts they have made at the park.

Connie Patton presented the bills in the amount of \$66,259.48 and asked for approval to pay them. Gordon Kitchen **moved** to approve the bills in the amount of \$66,259.48. Dan Olsen **seconded** the motion. The motion passed with the following roll call vote:

Gordon Kitchen	Aye
Ken Reynolds	Aye
Dennis Long	Aye
Dan Olsen	Aye
Robert Hall	Aye

APPROVAL OF THE BILLS

Kenneth Reynolds **moved** to go into a closed session to discuss the character professional competence, physical or mental health of an individual and to discuss the purchase, exchange, or lease of real property. Robert Hall **seconded** the motion. The motion passed with the following roll call:

Gordon Kitchen	Aye
Ken Reynolds	Aye
Dennis Long	Aye
Dan Olsen	Aye
Robert Hall	Aye

CLOSED SESSION

Dan Olsen **moved** to come out of the closed session. Robert Hall **seconded** the motion. The motion passed with the following vote:

Gordon Kitchen	Aye
Ken Reynolds	Aye
Dennis Long	Aye
Dan Olsen	Aye
Robert Hall	Aye

Craig Blunt said the time is getting close to purchase property for the assisted living housing. He recommended that the Council approve an amount for the purchase of the property so the money would be there when all of the CDBG releases are in place. Mayor Baker wanted to know if the amount had to be specifically stated. The request of the

CDBG LAND PURCHASE FOR ASSISTED LIVING HOUSING

property owner was \$45,000 per lot. Dennis Long **moved** to approve the purchase of property for assisted living housing with the CDBG funds, when they become available, in the amount of \$90,000 for two lots. Gordon Kitchen **seconded** the motion. The motion passed with the following vote:

Gordon Kitchen	Aye
Ken Reynolds	Aye
Dennis Long	Aye
Dan Olsen	Aye
Robert Hall	Aye

Craig told the Council, because of the installation of new traffic signal lights, minor repairs around those areas are required. Craig said a list was compiled with UDOT for the cost of those repairs which would be approximately \$20,000. UDOT wanted Craig to see about taking care of the repairs and they would reimburse the City. Councilman Kitchen wanted to know if this was a conservation estimate and what will happen if some of the projects come in over what has been allowed. Craig said he would complete the work project-by-project and they will only complete the projects falling within the \$20,000. Craig said if the projects go over the amount specified he will submit a change order before proceeding. Dan Olsen **moved** to authorize the Mayor to execute the agreement with UDOT. Robert Hall **seconded** the motion. The motion passed with all voting aye.

***UDOT AGREEMENT FOR
REPAIRS DUE TO SIGNAL
LIGHTS***

Craig Blunt told the Council about his meeting with Ken Bassett from Vernal City. He said they met to discuss the encroachment permit for 500 South. Mr. Bassett expressed his desire to have an interlocal agreement drawn up for shared use of the pipe being installed on 500 South. Craig said he asked Mr. Bassett to provide the interlocal agreement outlining what Vernal City would request of Naples City for sharing the use and liability of the water system. This was given to the Council as information because the agreement was not available. No action was taken on this matter.

***ENCROACHMENT
PERMIT WITH VERNAL
CITY***

Dennis Long **moved** to go into a public hearing to discuss the issuance and sale of taxable excise tax road revenue bonds. Kenneth Reynolds **seconded** the motion. The motion passed with all voting affirmatively.

***PUBLIC HEARING TO
DISCUSS BONDS FOR
EQUIPMENT PURCHASE***

Craig Blunt explained the purpose of the hearing and how the funds would be spent. Craig asked if there were any questions. With no comment from the public, Robert Hall

moved to close the public hearing. Dennis Long **seconded** the motion. The motion passed with all voting aye.

Robert Hall **moved** to approve Resolution 09-219 authorizing the issuance and confirming the sale of taxable excise tax road revenue bonds, series 2010, in the aggregate principal amount of \$156,000. Dan Olsen **seconded** the motion. The motion passed with a roll call vote as follows:

Gordon Kitchen	Aye
Ken Reynolds	Aye
Dennis Long	Aye
Dan Olsen	Aye
Robert Hall	Aye

***RESOLUTION 09-219
AUTHORIZING THE
ISSUANCE AND
CONFIRMING THE SALE
OF TAXABLE EXCISE TAX
ROAD REVENUE BONDS,
SERIES 2010***

Jim Harper asked the Council for approval to purchase new LED lights for the Christmas decorations along the highway. He reported that the cost would be \$1,505 for the lights. Councilman Olsen wanted to know if the roadside park lights could be taken from Redevelopment funds. Mayor Baker thought it was about time to consider changing out the decorations. Council members decided to revisit the discussion after the first of the year in Redevelopment meeting. No action was taken.

***A P P R O V A L O F
EXPENDITURES***

Jim Harper asked the Council for approval to replace the bows in the garland that hangs across the highway. Craig asked if the bows would hold up for the holiday season. Jim said they would. The Council agreed to discuss this purchase at a later date also. No action was taken.

Jim Harper asked for approval to expend funds for the purchase of new tires for the 2006 GMC City vehicle he drives. The amount requested for the tires was \$815.80. Kenneth Reynolds **moved** to approve the \$815.80 for new tires. Dennis Long **seconded** the motion. The motion passed with the following roll call vote:

Gordon Kitchen	Aye
Ken Reynolds	Aye
Dennis Long	Aye
Dan Olsen	Aye
Robert Hall	Aye

Lieutenant Escoto asked the Council for approval to purchase new tires for one of the police vehicles. The amount presented was \$591.80. Robert Hall **moved** to approve

\$591.80 for the tires. Dan Olsen **seconded** the motion. The motion passed with a roll call vote as follows:

Gordon Kitchen	Aye
Ken Reynolds	Aye
Dennis Long	Aye
Dan Olsen	Aye
Robert Hall	Aye

Craig Blunt asked the Council to approve the release of funds to Bona Signs for the remainder owed on the installation of new signs at the office and park. Craig said the sign at the park should be up before the Council meets again and he was seeking approval for release of those funds as soon as the work is complete. Kenneth Reynolds **moved** to approve the payment once the sign is in place and the work has been accepted. Gordon Kitchen **seconded** the motion. The motion passed as follows:

Gordon Kitchen	Aye
Ken Reynolds	Aye
Dennis Long	Aye
Dan Olsen	Aye
Robert Hall	Aye

Craig Blunt asked approval to pay Brownie Tomlinson for the excavation and drainage work completed at the shop. Craig said the work is complete and looks good. The final amount owed is \$63,629.60. Robert Hall **moved** to release the funds as stated by Craig. Gordon Kitchen **seconded** the motion. The motion passed with a roll call vote:

Gordon Kitchen	Aye
Ken Reynolds	Aye
Dennis Long	Aye
Dan Olsen	Aye
Robert Hall	Aye

Craig Blunt also asked for approval to release the funds to Premier West Builders for the roof on the gazebo at the road side park. Craig said all of the work is complete except for two end caps. The amount still owed is \$3,200. Dennis Long **moved** to approve the release of funds once the work is done. Kenneth Reynolds **seconded** the motion. The motion passed with voting aye on roll call:

Gordon Kitchen	Aye
----------------	-----

Ken Reynolds	Aye
Dennis Long	Aye
Dan Olsen	Aye
Robert Hall	Aye

Craig Blunt asked for approval to pay for expenditures arising out of a sewer lateral repair completed on 1000 South 2000 East. Craig said this is the second home that has experienced the same problem with the sewer drainage crossing. Craig told the Council that he has been in contact with the general contractor for 1000 South and was told that the City would be reimbursed for the expenditure. Gordon Kitchen **moved** to approve the payment of \$150 to Joseph Brunelle and \$1,846 to Hube's Construction for the sewer lateral repairs. Kenneth Reynolds **seconded** the motion. The motion passed with the following roll call:

Gordon Kitchen	Aye
Ken Reynolds	Aye
Dennis Long	Aye
Dan Olsen	Aye
Robert Hall	Aye

Jim Harper asked the Council for approval of \$30 per diem to pick up the traffic signs and crack seal while he is in Salt Lake for an appointment. Dennis Long **moved** to approve the travel amount for Jim. Robert Hall **seconded** the motion. The motion passed as follows:

TRAVEL APPROVAL

Gordon Kitchen	Aye
Ken Reynolds	Aye
Dennis Long	Aye
Dan Olsen	Aye
Robert Hall	Aye

Manny Escoto told the Council that Chief Watkins has obtained the final figures for the vehicle lease program and gave that information to the Council in their packets. Lieutenant Escoto said the Chief was seeking permission to move forward with the program. Dan Olsen **moved** to go ahead with the lease program with Ken Garff. Robert Hall **seconded** the motion. The motion passed with the following roll call vote:

VEHICLE LEASE PROGRAM FOR THE POLICE DEPARTMENT

Gordon Kitchen	Aye
Ken Reynolds	Aye
Dennis Long	Aye

Dan Olsen	Aye
Robert Hall	Aye

Chris Hoem came before the Council to discuss changes to the Land Use Ordinance. The first change was to Chapter 02-24 which is the R-1 zone. Chris said rest homes were taken out of permitted uses because they will be classed under the new RS-1 zone. The term "agricultural" was changed to "home gardens." A clarification was also made on twin homes and the lot area. Chris reported a section was also added on bonds, requiring landscaping within a year of receiving their certificate of occupancy. Dan Olsen **moved** to approve the changes in the land use ordinance chapter 02-24. Kenneth Reynolds **seconded** the motion. The motion passed with the following roll call:

CHANGES TO LAND USE ORDINANCE

Gordon Kitchen	Aye
Ken Reynolds	Aye
Dennis Long	Aye
Dan Olsen	Aye
Robert Hall	Aye

Chris Hoem reported that the change to Chapter 02-31 was very minor. He said at a previous meeting a discussion was held on redefining minor subdivisions in Chapter 03 and the change made there needed to be reflected in Chapter 02-31. Councilman Olsen wanted to know why it doesn't just say eight or less instead of less than nine. Councilman Olsen **moved** to approve Chapter 02-31 with the revision of "eight or less lots." Robert Hall **seconded** the motion. The motion passed with a roll call vote as follows:

Gordon Kitchen	Aye
Ken Reynolds	Aye
Dennis Long	Aye
Dan Olsen	Aye
Robert Hall	Aye

Chris Hoem presented the Council with Chapter 02-35 and explained that it is a brand new chapter adding the R-S zone. He stated the zone was created to provide for assisted living housing and assisted living housing is the only thing permitted in the zone. Kenneth Reynolds **moved** to approve the addition of Chapter 02-35 to the Land Use Ordinance. Dennis Long **seconded** the motion. The motion passed with the following vote:

Gordon Kitchen	Aye
Ken Reynolds	Aye
Dennis Long	Aye
Dan Olsen	Aye
Robert Hall	Aye

Kenneth Reynolds **moved** to approve a spot zone change from RA-1 to R-S on 2000 South, 1923 East and 1945 South. Dan Olsen **seconded** the motion. The motion passed with the following roll call:

***REQUEST TO CHANGE
ZONE FROM RA-1 TO R-S
ZONE***

Gordon Kitchen	Aye
Ken Reynolds	Aye
Dennis Long	Aye
Dan Olsen	Aye
Robert Hall	Aye

Craig Blunt gave the Council the estimated cost to upgrade to natural gas at the new equipment building. Craig said he spoke with Questar about getting natural gas to the building and it was quite expensive. Craig said there is a 3/4" line that feeds the current shop building and it would be possible to change the meter out to a two-pound system and install regulators. Craig would also like to do a directional drill to get the gas from the shop to the new building. The cost to have all of this completed would be \$6,494.74. Robert Hall **moved** to approve \$6,494.74 for the equipment building. Kenneth Reynolds **seconded** the motion. The motion passed as follows:

***NATURAL GAS UPGRADE
AT THE CITY SHOP***

Gordon Kitchen	Aye
Ken Reynolds	Aye
Dennis Long	Aye
Dan Olsen	Aye
Robert Hall	Aye

Craig Blunt said they received a cost estimate for the Coverall Building they are looking to purchase. Craig said the prefab buildings do not come with concrete work. Craig said he obtained a bid from CIVCO Engineering for the footings and foundation of the structure. The engineers bid was \$945. Gordon Kitchen **moved** to accept the \$945 from CIVCO Engineering. Dennis Long **seconded** the motion. The motion passed with the following roll call vote:

***ENGINEERING COSTS
FOR COVERALL
BUILDING***

Gordon Kitchen	Aye
Ken Reynolds	Aye

Dennis Long	Aye
Dan Olsen	Aye
Robert Hall	Aye

Craig Blunt reiterated to the Council how expensive the 2500 South road project was going to be. He expressed the desire to have the support of the project design engineers in helping give the presentation at the CIB hearings. Craig said it would cost \$3,200 for the engineers to be at the hearing and provide the visuals for the presentation. Mayor Baker wanted to make sure it was presented as a widening of the road and not to cover the canal. Craig said the biggest issue will be in dealing with the irrigation. Dennis Long **moved** to approve \$3,200 for the 2500 South presentation. Dan Olsen **seconded** the motion. The motion passed with the following roll call:

***2500 SOUTH ROAD
PROJECT PRESENTATION
TO CIB***

Gordon Kitchen	Aye
Ken Reynolds	Aye
Dennis Long	Aye
Dan Olsen	Aye
Robert Hall	Aye

Robert Foley, CPA of Caldwell, Coombs, & Foley gave the audit report for fiscal year 2008-2009. Mr. Foley said the final report was not completely ready but he had enough information to give them a fairly good picture of the year end figures. Mr. Foley stated the City did well in keeping expenditures within the budget. Mr. Foley reported on the prior year findings and what has been done to correct those and also on the Justice Court findings. Mr. Foley discovered why funds were accumulating in the Justice Court account and he would have a recommendation to correct that and get those funds paid to the City. Dan Olsen **moved** to accept the audit report as presented by Robert Foley. Robert Hall **seconded** the motion. The motion passed with all voting aye.

***FY 2008-2009 AUDIT
REPORT FROM ROBERT
FOLEY, CPA***

Craig Blunt presented the Council with two Ordinances for their review. One deals with Cable TV Franchise and one with a Telecommunications Franchise. Craig said the only change made to the documents was to the time frame for the terms of renewal. The terms were changed from fifteen to five years. The term is five years and will be looked at each year. Tyler Rasmussen with Strata Communications wanted to know why the time frame change. Craig said it was because technology changes so quickly, the City wanted to have the

***FRANCHISE CABLE TV
ORDINANCE 09-116***

option of being able to re-look at it every five years. Craig said the City has also not updated these Ordinances as they should have and this will also help in that area. Dennis Long **moved** to accept Ordinance 09-116 for Cable TV Franchise. Dan Olsen **seconded** the motion. The motion passed with a roll call vote as follows:

Gordon Kitchen	Aye
Ken Reynolds	Aye
Dennis Long	Aye
Dan Olsen	Aye
Robert Hall	Aye

Kenneth Reynolds **moved** to accept Ordinance 09-117 for Telecommunications Franchise. Robert Hall **seconded** the motion. The motion passed with the following vote:

Gordon Kitchen	Aye
Ken Reynolds	Aye
Dennis Long	Aye
Dan Olsen	Aye
Robert Hall	Aye

***ORDINANCE 09-117
TELECOMMUNICATIONS
FRANCHISE***

Craig Blunt told the Council that Strata Networks and Bresnan Communications are both asking for Cable TV Franchise agreements and Strata Networks would like a Telecommunications Franchise agreement. Craig presented the Telecommunications Franchise agreement with Strata Networks first. Craig said the agreement sets up the application in controlling the right-of-ways for installation of cable networks. Tyler Rasmussen said the reason for their request of a cable franchise agreement was the expansion of the services they currently offer to include cable TV. Tyler said the telecommunications agreement would just bring up to date the taxes already being paid to the City and adds language that gives Naples City more control in the process. Councilman Kitchen asked if Craig was recommending the City accept the agreements. Craig said he is making that recommendation. Gordon Kitchen **moved** to go forward with the Telecommunications agreement with Strata Networks based on Craig's recommendation. Dan Olsen **seconded** the motion. The motion passed with all voting affirmatively.

***F R A N C H I S E
A G R E E M E N T S F O R
C A B L E T V A N D
T E L E C O M M U N I C A T I O N S***

Craig Blunt gave the Council copies of the Cable TV Franchise agreements for Bresnan Communications and Strata Networks. Jon Bingham from Bresnan Communications pointed out the address on their agreement was in correct.

Craig said he would change that if he could get the correct address and have corrected copies for each company to pick up by tomorrow. Mr. Bingham also said his agreement still had the terms of fifteen years listed. Craig said he will also make that change. Dennis Long **moved** to approve both agreements with the corrections discussed. Kenneth Reynolds **seconded** the motion. The motion passed with all voting aye.

Craig Blunt explained that with recent changes in the legislature it has become possible for the City to increase the amount collected for the highway use tax from .25% to .30%. Mayor Baker wanted to know how much this would make the total percentage of sales tax collected. Craig said it would put the City at the same rate as Vernal City which would be 6.75%. Dan Olsen **moved** to adopt Ordinance 09-118, increasing the highway use tax to .30%. Robert Hall **seconded** the motion. The motion passed with the following roll call vote:

Gordon Kitchen	Aye
Ken Reynolds	Aye
Dennis Long	Aye
Dan Olsen	Aye
Robert Hall	Aye

Before reappointing Councilman Hall to the Health Services SSD, Mayor Baker wanted to know if any of the Council members wanted to make a change. All Council members indicated they wanted to remain with their current Boards. With no other discussion, Dan Olsen **moved** to reappoint Robert Hall to the Health Services Special Service District Board. Gordon Kitchen **seconded** the motion. The motion passed with all voting aye.

At the September 11, 2008 Council meeting a motion was made to extend a job offer to Chris Hoem, included in that motion was a \$2,000 annual incentive to be given on the anniversary date of hire. Robert Hall **moved** to approve the \$2,000 incentive bonus to Chris Hoem. Kenneth Reynolds **seconded** the motion. The motion passed with the following vote:

Gordon Kitchen	Aye
Ken Reynolds	Aye
Dennis Long	Aye
Dan Olsen	Aye

***ORDINANCE 09-118
HIGHWAY TAX INCREASE***

***APPOINTMENT OF
ROBERT HALL TO
HEALTH SERVICES SSD***

***APPROVAL FOR
EMPLOYEE INCENTIVE
BONUS***

Robert Hall Aye

After some discussion concerning Employee Christmas bonuses, Robert Hall **moved** to approve \$300 per employee plus FICA. Dennis Long **seconded** the motion. The motion passed with the following vote:

***EMPLOYEE CHRISTMAS
BONUSES***

Gordon Kitchen	Aye
Ken Reynolds	Aye
Dennis Long	Aye
Dan Olsen	Aye
Robert Hall	Aye

Jim Harper told the Council they have twenty-six sets of twinkle lights at the shop that are not repairable and he asked for permission to dispose of them. Gordon Kitchen **moved** to approve the disposal. Dennis Long **seconded** the motion. The motion passed with all voting aye.

***D I S P O S A L O F
CHRISTMAS LIGHTS***

With no other business before the Council, Dennis Long **moved** to adjourn the meeting at 10:00. Kenneth Reynolds **seconded** the motion. The meeting was adjourned

MOTION TO ADJOURN

APPROVED BY COUNCIL ON THE 14th DAY OF JANUARY 2010

BY: _____

ATTEST: _____